

By: Representative Ladner

To: Conservation and Water Resources

HOUSE BILL NO. 1148

1 AN ACT TO PROVIDE REQUIREMENTS FOR THE REMOVAL OF SUBMERGED
2 LOGS ON PUBLIC TIDELANDS; TO AUTHORIZE FUNDS FROM THE REMOVAL AND
3 SALE OF SUBMERGED LOGS TO BE DEPOSITED INTO THE SCHOOL TRUST LANDS
4 PRINCIPAL FUND FOR THE COUNTY IN WHICH THE LOGS WERE REMOVED; AND
5 FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** (1) For the purposes of the section, the
8 following words shall have the following meanings unless the
9 context clearly indicates otherwise:

10 (a) "Applicant" means the person, entity, or interest
11 applying for a leasehold agreement through a public trust
12 tidelands lease with the Secretary of State for the purpose of
13 removing submerged logs from a removal area during a specified
14 period of time.

15 (b) "Removal area" means an area of public trust
16 tidelands or submerged lands identified by survey information in
17 sufficient detail to support a public trust tidelands lease of
18 the area for the purpose of removal of submerged logs during a
19 specified period of time.



20 (c) "Submerged log" means a portion of the trunk of a
21 felled tree that has not been further processed for any end use
22 and is located on, in, over, embedded in, or buried under public
23 trust tidelands or submerged lands, and includes any
24 processed lumber and is located on, in, over, embedded in, or
25 buried under public trust tidelands or submerged lands.

26 (2) (a) Submerged logs are the property of the State of
27 Mississippi.

28 (b) Submerged logs shall not be removed from public
29 trust tidelands or submerged lands, unless approved by the
30 Secretary of State through a public trust tidelands lease with the
31 State of Mississippi, by and through the Secretary of State,
32 authorizing the removal of submerged logs within a specified area
33 and for a specified length of time.

34 (3) The lessee shall pay to the Secretary of State an
35 appraised leasehold interest for use of the removal area, as set
36 forth in the leasehold agreement, and fifteen percent (15%) of the
37 stumpage value received by the lessee from the submerged logs that
38 were removed.

39 (4) The Secretary of State shall require a performance bond
40 in an amount to be determined by the Secretary of State with
41 surety and satisfactory conditions securing to the state
42 compliance with the conditions and limitations set forth in the
43 leasehold agreement.



44 (5) The Secretary of State may adopt any rules necessary to
45 implement or enforce the provisions of this section under the
46 Administrative Procedures Law.

47 (6) The Secretary of State shall allocate and pay any funds
48 derived from the public trust tidelands lease for the recovery and
49 sale of submerged logs to the school district in which the
50 tidelands or submerged lands subject to the public trust tidelands
51 lease are located. The funds paid to a school district under this
52 subsection may be expended for the same purposes for which
53 sixteenth section land expendable funds are authorized to be
54 expended in Section 29-3-115.

55 **SECTION 2.** This act shall take effect and be in force from
56 and after July 1, 2019.

